

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM BURKE,

Plaintiff,

v.

JAMES ALEX FIELDS JR., ET AL.,

Defendants.

Case No. 2:19-cv-02006-MHW-EPD

Hon. Michael H. Watson

Mag. Elizabeth A. Preston Deavers

**DEFENDANT DAVID DUKE’S NOTICE OF WITHDRAWAL OF FIRST MOTION TO
DISMISS**

NOW COMES Defendant David Duke (“Duke”), by and through Attorney Kyle J. Bristow and Attorney Bryan A. Reo, and hereby propounds upon the Parties of the instant civil action and this Honorable Court Defendant David Duke’s Notice of Withdrawal of First Motion to Dismiss:

1. On May 17, 2019, Plaintiff filed Plaintiff’s Complaint. (Dkt. 1, PageId. 1-64).
2. On August 19, 2019, Duke filed Defendant David Duke’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6). (Dkt. 16, PageId. 179-204).
3. On September 9, 2019, Plaintiff filed Plaintiff’s First Amended Complaint. (Dkt. 25, PageId. 226-285).
4. On September 10, 2019, Duke filed Defendant David Duke’s Second Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2). (Dkt. 27, PageId. 289-307).
5. In light of Duke’s first motion to dismiss being in response to a now-superseded pleading, Duke hereby provides notice that he is withdrawing his first motion to dismiss. The Court should consider Defendant David Duke’s Second Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2). (Dkt. 27, PageId. 289-307).

Respectfully submitted,

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Lead Trial Attorney for David Duke

Dated: September 10, 2019

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Co-Counsel for David Duke

Dated: September 10, 2019

CERTIFICATE OF SERVICE

I, Kyle J. Bristow, affirm that I am an attorney of record for a party to the above-captioned civil action, and on September 10, 2019, I electronically filed this document with the Clerk of the Court by using the Court's Electronic Filing System, which should send notification of said filing to all attorneys of record who are registered to receive such electronic service for the instant civil action. Specifically, notice should be served upon Attorney Michael Frandin via electronic mail at <mike@frandinlaw.com>, upon Attorney James E. Kolenich at <jek318@gmail.com>, and upon Attorney Bryan A. Reo at <reo@reolaw.org>.

/s/ Kyle J. Bristow
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Co-Counsel for David Duke

Dated: September 10, 2019